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ABSTRACT

The challenge for state boards of education is meeting their obligations to ensure a quality education for all children while considering parents' right to educate their children. The controversy over home instruction can be reduced to a discussion about compelling state interest. This document provides state board members with concise factual information on key home schooling trends to stimulate discussion and enhance the decision-making process. Home schooling is becoming a serious policy issue because of (1) state boards' compulsory education obligations; (2) lobbying efforts of home schooling advocates; and (3) increased litigation activity. This report recommends that policymakers review existing communcation channels between public educators and home schooling parents. Policymakers should also (1) clearly define state home schooling criteria; (2) establish regulations to monitor home students officially enrolled in private schools; (3) strictly enforce registration; (4) require that parents hold at least a high school diploma or a GED certificate; (5) limit "process requirements" to submission of a text and materials list, a proposed syllabus, or name of the intended correspondence course; (6) require nationally normed standardized test results for children beginning home schooling after age 7; (7) require quarterly progress reports and yearly evaluations; and (8) establish policies for returning consistently failing students to approved public or private instruction. (MLH)

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HOME SCHOOLING

This document has been prepared as part of an effort to provide state board members with concise, factual information on key education trends. This document is intended to provide information to state policymakers which will stimulate discussion and enhance the decision making process of state boards of education. It should not be construed as official NASBE policy.

Parents who choose to teach their children at home do so for a number of reasons including religious preference, desire to provide a highly individualized program, desire to give special attention to a child who is having trouble adapting to school for any of a variety of reasons, alleged lack of discipline in public school settings, concern over perceived social problems in the schools (Lines, 1987), or the need of the family to travel.

Home schooling is an educational program, taught in the home by a student's parent or legal guardian. Standard, academic subjects are taught in a systematic fashion using either local public or private school curricula, a correspondence curriculum or a curriculum developed by the parents. For purposes of this paper, a home school is not instruction by a parent teaching other children, especially when compensation is involved. That instance is defined as a private school located in the home (most likely unaccredited).

Home Schooling is typically regulated by state statute and state board policies that refer to compulsory school attendance, teacher certification, private school attendance, alternative statutes and policies governing church-school and private school attendance, standardized testing and, in some states, alternative home schooling statues.

COMPELLING STATE INTEREST

The challenge for state boards of education is to meet their obligations to assure all children receive a quality education while considering the relative rights of parents to educate their children. In many ways, the controversy over home instruction can be reduced to a discussion about "compelling state interest". Our society is rich in a history which believes that an educated citizenry is essential to our democracy. Education has been determined to be primarily a state responsibility -- the state has a compelling interest in educating its citizens. State boards of education are the policymaking bodies established by state governments to oversee elementary and secondary education.

Parents who wish to teach their children at home typically recognize that the state has a compelling interest in seeing that all children are provided a meaningful opportunity to learn. However, representatives of home schooling parents say the state's interest is properly limited to setting minimal standards for literacy and the necessary skills for participation in the American form of government -- not necessarily to mimic the state's own system. They feel that

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the state's legitimate interest should focus on the outcomes of home schooling rather than the process, especially when determining who should qualify to teach their children at home.

The debate is further complicated by a number of state regulations not related to home schooling, yet directly affecting home schoolers. Many states have argued that setting standards related to instruction is as important as mandating attendance. Thus, many states have developed a wide range of regulations that affect home schools as well as non-public schools. With wide variations from state to state, these cover the following areas: 1) fire, health and safety; 2) curriculum; 3) text and library book selection; 4) instructional time; 5) teacher certification; 6) student reporting; 7) testing; and 8) state licensing of schools (NASBE, 1984). Opinions regarding the "reasonableness" of the regulations in these areas differ. Many home schooling parents feel that such regulations should not apply to home schools, particularly health and safety regulations and textbook selection. Many states have taken steps in recent years to amend their regulations to make a clearer differentiation between home schools and private schools.

Tensions over state regulations have been increasing with the recent growth of home instruction and evangelical and fundamentalist Christian schools. Some home schooling parents and private school administrators reject state regulations as violations of what they believe to be religious liberty principles and thus, has often been the source of litigation.

A COOPERATIVE APPROACH TO HOME SCHOOLING

Home schooling is becoming a serious policy issue for state boards of education because:

- state boards are responsible for the education of all children of compulsory attendance age;
- a vocal minority of home schooling advocates are lobbying to influence state laws relating to home schooling; and
- it is becoming an increasing source of litigation.

Public educators cannot avoid the issue of home schooling. Many of the students taught at home eventually return to the public schools, especially as they reach secondary school age where instruction requires more specific expertise in a field, not to mention special lab equipment and expanded resources. It makes sense to ensure that this transition is as smooth as possible for the student. When public educators work cooperatively with home schooling parents they can enhance understanding and strengthen community ties.

State boards of education serve as strong advocates for education, build consensus among parties seeking to influence state education policy and act as a bridge between public education, the public, government, and the business and civic communities. State boards should review existing channels of communication and establish a procedure for dialogue between public educators and home schooling parents so that when problems arise there is a way to resolve them.

Those states that will succeed in creating the mechanisms described above will do so because of a mutual commitment between home schooling parents and public educators to working together for the benefit of children. This will be sustained by caring individuals who actively fight against the type of entrenchment, hyperbole, and lack of communication that has clouded this issue for the past several years.

CLEARLY DEFINED CRITERIA, APPLICABLE TO ALL

Unfortunately, there is a lack of communication and distrust between professional educators and home schoolers. State statutes pertaining to home schooling are often nonexistent or vague. In the 27 states which as of May, 1987 had not specifically addressed home schooling in state laws and regulations, (Klicka, 1987), home schooling is regulated through compulsory attendance, teacher certification and alternative schooling policies. This often leaves local school districts considerable discretion in setting standards for what constitutes a qualified home school instructor and acceptable student performance. Parents become frustrated as they qualify to teach their children at home in one school district but may not if they move into the neighboring school district. Consider the following array of home school laws (Home School Legal Defense Association, 1987):

- *Courts in five states have recently ruled their compulsory attendance statute as "void for vagueness" -- GA, WI, MN, MO, and IA.*

- *Twenty three states and the District of Columbia require home schools to be "approved" by the local school district or school board: AK, CO, CT, DE, HI, ID, IA, LA, ME, MD, MA, MI, NH, NJ, ND, NV, NY, OH, PA, RI, SC, SD, UT, and DC.*

- *Eight states require instruction to be "equivalent": CT, IN, KS, ME, NJ, NV, and SC. (The term "equivalent" was recently struck down by the courts as void for vagueness in IA, MN, and MO.)*

- *Three states require instruction to be "regular and thorough": MD, DE, and RI.*

- *Two states require instruction to be "comparable" to public schools: ID and MI.*

- *Seven states require teachers to be "competent", "qualified", or "capable of teaching": CA, HI, KS, NY, OH, PA, and SD.*

- *In at least 12 states, home schools may presently operate as private or church schools: AL, CA, IL, IN, KS, KY, MI, NC, NE, ND, OR, and TX. In seven other states home schoolers may possibly qualify as private or church schools: AK, CO, DE, ME, NY, OH, and PA.*

Given this, state boards should be committed to clarifying home schooling laws so as to eliminate confusion about what is permitted and what is required. Criteria should be clearly defined at the state level so as to assure clarity in state policy and relieve undue pressure on parents and local school officials.

In order to cope with the myriad of state regulations and maintain a home school, some parents have elected to enroll their children in "satellite courses." These courses are sponsored by private schools who share their curriculum with the home schooling parent for a fee. The student is officially enrolled in the private school and may receive a diploma from that school, yet never actually set foot in the school. Regulations should also be developed to monitor those students, typically registered through Christian academics and other certified or non-certified private schools. At least, "satellite" students should receive differentiated diplomas from the school.

ELEMENTS OF A COMPREHENSIVE HOME SCHOOLING POLICY

Upon reviewing state statutes and the literature regarding home schooling, there appear to be five basic components of a comprehensive approach to home schooling. They are:

1. issuing a notice of intent to school children at home;
2. setting criteria for parents wishing to school children at home;
3. reporting requirements for home study;
4. evaluating students' academic progress in the home school; and
5. providing for probation and remediation for those students who are not making adequate progress in the home school.

NOTICE OF INTENT

States should strictly enforce registration of home schooled children with the local school district, state or county government. Where a parent must give this notice (local district versus the state) should be uniform throughout the state. The "notice of intent" or registration should be filed for each child if not enrolling that child of compulsory age in a public or private school legally operating under state law. Children schooled at home for several years should have a notice of intent filed for each year of home instruction. The notice should contain the same type of "census-like" data that a public school registration form contains.

Acceptance of a "notice of intent" by a school district should not automatically approve a home school, but rather initiate the process by which parents are assessed to ensure that they pass the entrance criteria for teaching their children at home.

CRITERIA FOR ESTABLISHING A HOME SCHOOL

As previously stated, 24 states and the District of Columbia require home schools to be "approved" by the local school district or school board. Seven states require teachers to be "competent", "qualified", or "capable of teaching". Three states require all home schools, without exception, to have a certified teacher involved in the instruction at home.

There should be specific provisions for insuring the competency of the instructor. These may take many forms. At a minimum, parents who wish to teach their children at home should hold a high school diploma from a public high school or legally operating private school or a GED certificate.

Instruction can be monitored in two ways -- the process and/or the product. Home schooling parents have complained that public educators focus too much of their attention on the process versus the product of instruction. This is a legitimate concern, particularly in this era of educational reform when many states are moving towards more accountability of public schools through evaluation of their outcomes versus the inputs.

The "process requirements" for beginning (or continuing) home instruction should be minimal. This should include submission of a list of texts (with date of publication) and materials that the parent intends to use for each child for home instruction to ensure a comparable curriculum. At the same time the parent submits the list of materials they should submit a syllabus of proposed study for each child, indicating the topics and pages to be covered for each quarter of the upcoming school year. Many parents use correspondence curriculum to teach their children. States should adopt, in conjunction with home schooling groups, an approved list of correspondence courses. If a parent is using an approved correspondence course, with the minimum personal education criteria, then he/she should automatically be approved for home study.

For children who will begin home schooling at age eight or older, parents should also submit the results of a nationally normed, standardized achievement test for each child. These test results can serve as baseline data for yearly evaluation of each child schooled at home.

REPORTING

Although there are disputes about the extent of the state's "compelling interest" in educating its citizenry, the state's interest certainly extends to monitoring home study to ensure that children are learning at home. Interim progress reports should be submitted for each child schooled at home.

We recommend that, for the first two consecutive years a parent teaches his/her child at home, the parent should submit a quarterly report for each child, reporting the child's progress to either the state or local public school district, as determined in each state. As with the "notice of intent" and entrance criteria, the content requirements of the report should be determined at the state and be applied uniformly for the entire state. The report should cover the following: the number of days of home schooling during the quarter, a

written narrative evaluating the child's progress, and a grade for the child in each subject. An explanation should be included if less than a specified amount of curriculum planned for the quarter has been covered in any subject.

Two years of quarterly reporting should be long enough to determine if the home school is legitimate and the children in the home are progressing academically. After the first two years, it is reasonable to have parents report student progress once a year using the yearly evaluation criteria discussed below.

EVALUATION

Home schooling parents should be held accountable for their children's education. However, states must look at what will be measured, who will set the standards and how these standards will be measured. Again, these standards should be set by the state board of education to ensure uniformity throughout the state. Home schooling parents feel that the accountability standard should be phrased -- "Are the children actually learning?" rather than "is this formula likely to produce learning?" Again, state boards and state legislatures are looking more to outcome measures to evaluate public schools so that this standard should not present a problem to state policymakers. However, a point of disagreement lies in that many home schooling parents feel that the state's interest in accountability should be primarily, if not exclusively addressed, in terms of learning the necessary skills related to literacy and citizenship skills. State boards must determine if this will suffice or if parents should be accountable for instruction in other areas. Areas that are particularly controversial for many home schooling parents include biology, social studies and history.

Yearly evaluation may be achieved in many ways -- through reports by certified teachers, achievement testing, or production of a portfolio of a child's work. If the state has established a yearly evaluation criteria for students, the state board may wish the home schooled student to be evaluated by the same test. However, state boards should note that state-sponsored accountability exams are based on the public school curriculum -- a curriculum that many home schoolers reject. Also, state boards should be mindful that they cannot legally regulate or require more of the home schooled children than required of the public school children.

If the parent submits a yearly report for evaluation, the report should not be written by the parent, but rather by a person selected by the parent and approved by the state, who is certified to teach a child the age of the child discussed in the report. The state board should determine to whom the report will be submitted. If the home schooled child has been evaluated and determined to be handicapped accordingly to P.L. 94-142 or Limited English Proficient, as specified in that state's statutes or board policy, then the annual evaluation report should be submitted by a teacher who is certified to teach the type of exceptionability diagnosed. The annual report should contain a discussion of the child's progress over the last academic year and should also certify that the progress is satisfactory for a child of that age and (if applicable) that exceptionability.

Alternatively, the parent should be able to submit the results of a nationally normed standardized achievement test to satisfy the yearly evaluation criteria. A child whose tests demonstrate performance at the 50th percentile or above on the cumulative score should be deemed to have made satisfactory progress regardless of any other criteria. The test should be one from an approved list determined and provided by the state education department. The state should require that the test be administered in a way that ensures testing integrity and validity. The American Psychological Association has testing guidelines which can provide a standard for testing. The student should be able to take the test in either a public or private school, but not required to take the test at either location.

The results of the yearly evaluation should reflect one year's growth for the year evaluated -- based on either the child's previous year's evaluation or baseline data submitted, whichever is most recent. A child functioning below grade-level, yet who makes one year's progress in one academic year, should be judged as making satisfactory progress. Regardless of the evaluation method utilized by the state, the state should provide the parent at least two choices.

PROBATION AND REMEDIATION

When students do not achieve one year's progress, given the baseline data, provisions for probation and remediation, and (when these fail to bring the student up to standard), enforceable policies for removing the student from the home school and placement into an approved school setting should be in place.

This raises a critical issue for state boards of education as often public school children are not subject to a probation and remediation period if they do not show academic progress. State board action in this area should be consistent with the remediation policies established in the state for public school students.

A child whose annual report reflects unsatisfactory growth should be immediately put on probation. While on probation, the parent should be required to submit either to the state or the local public school officials (as determined by each state), a remediation plan meeting a specific set of criterion established at the state level. The remediation plan should be developed jointly between the parent and a person certified to teach a child the age and/or the exceptionality of the child discussed in the plan. This person could either be a trained consultant or a person hired by the state or local school district to help parents whose children are not making satisfactory progress in the home school.

Probation should be established in such a way so that if students catch up to their normal projected progression then they are no longer on probation. Also, if when reevaluated the student is making progress but not entirely caught up, then the parent should remain on probation until the child returns to the projected achievement levels. However, if the student does not progress, but rather falls further behind, then the parent should be compelled to seek alternative education options for the child, either with a public school or a certified private school.

CONCLUSION

If a student decides to return to the public school, then the school district should always retain the right to place a student in the grade and/or courses deemed appropriate. Returning home schooled students should also be subject to any of the standardized tests taken by public school students.

As mentioned in the introduction, public educators and home schoolers should continually strive to foster cooperative agreements whose goal is to help all children learn. Both parents and public educators have a compelling interest in the education of our youth. Although states must monitor the progress of home schooled children, they should guard against unnecessary paper requirements for parents who have proven they are competent home instructors. The state board may do this by allowing a student (whatever age) that passes the GED exam to be exempt from any further regulation. Also, if the state has a required exit exam, then once a student passes that exam, he or she could be exempt from further regulation.

Not all the above suggestions will be applicable to every state, some policymakers will find all acceptable, while others may find only one or two acceptable. Also, these suggestions must all be considered in light of each state's particular constitution. Nevertheless, they do offer a beginning to addressing the issue of home schooling.

The National Association of State Boards of Education is a devout advocate of public education, accountability, and openness in public education. NASBE does not sanction or support home schooling. However, as state boards attempt to protect the educational rights of those students taught at home, NASBE offers the following recommendations. These recommendations are offered with the understanding that specific policies will vary from state-to-state in accordance with that state's statutes.

SUMMARY OF RECOMMENDATIONS

- Review existing channels of communication and establish a procedure for dialogue between public educators and home schooling parents so that when problems arise there is a way to resolve them.

- Clearly define criteria for home schooling, at the state level. This criteria should be uniformly applied within the state so as to eliminate confusion about what is permitted and what is required.

- Establish regulations to monitor students schooled at home yet officially enrolled in a private school. These "satellite students" should receive a differentiated diploma from the school they are enrolled in.

- Strictly enforce registration of home schooled children with the local school district, state or county government for each year the child is taught at home.

- Require that parents who wish to teach their children at home hold, at a minimum, a high school diploma or a GED certificate.

- Limit "process requirements" to submission of a list of texts and materials, a proposed syllabus, and/or the name of the correspondence course that the parent intends to use for each child for home instruction.

- Require the results of a nationally normed, standardized test as baseline data for each child who will begin home schooling at age eight or older.

- Require that, for the first two years of home study, the parent submit a quarterly report for each child, reporting the child's progress to either the state or local public school district, as determined in each state. This is to ensure that parents are capable of teaching their children at home.

- Hold parents accountable for the academic progress of their children by requiring a yearly evaluation to be completed by someone other than the parent, a portfolio of student work, or the results of a nationally normed, standardized test.

- When home schooled children do not show adequate progress, as measured by the yearly evaluation, establish provisions for a probation and remediation period.

- Establish policies for returning students to public or approved private education if child continues to fail while on probation and remediation.

- Establish the right, for public educators to place (appropriately) a home schooled child upon that child's return to public education.